

lands described in section 2(b) only if the city receives, in exchange for the interest—

(1) an amount equal to the fair market value of the interest; or

(2) an equivalent benefit.

(b) Use of Amounts or Equivalent Benefits.—Any amount or equivalent benefit that is received by the city of Cleveland shall be used by the city for—

(1) the development, improvement, operation or maintenance of a public airport; or

(2) lands (including any improvements to those lands) that produce revenues that are used for airport development purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation. S. 1347 simply expedites the conveyance of land from Cleveland Hopkins International Airport to the city of Brook Park, OH. The Cleveland Airport has a major capacity expansion program that includes the construction of a new runway and the extension of an existing runway. It is my understanding that this important project is the result of many years of negotiations between the cities of Cleveland and Brook Park. This project cannot go forward unless the current deed restrictions are waived.

Mr. Speaker, this legislation will ensure that the city of Cleveland shall receive fair market value for this parcel, and the city will be required to use any and all of the funds for the development, improvement of operations or maintenance of the Cleveland Airport.

I want to commend the gentleman from Ohio [Mr. LATOURETTE] for his leadership and strong support for this legislation and his willingness to answer the call of his constituents on this very important matter.

Mr. Speaker, I urge all of my colleagues to support S. 1347.

Mr. Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of S. 1347, a bill which would remove a deed restriction and permit land to be transferred from Cleveland Hopkins International Airport to the city of Brook Park, OH.

For several years the cities of Brook Park and Cleveland have been trying to reach agreement on an airport project which necessitates the transfer of land between the two cities. An agreement has now been reached. Eighty-five acres of land currently belonging to the airport will be transferred to Brook Park in exchange for approximately 300 acres which are needed for the runway project.

This legislation is not controversial. It is supported by both local Congressmen, the gentleman from Ohio [Mr.

LATOURETTE] and the gentleman from Ohio [Mr. KUCINICH]. The administration does not object. It has already passed the Senate. Economic development in the Cleveland area will benefit from the passage of this legislation. I urge my colleagues to join me in passing S. 1347.

Mr. Speaker, I reserve the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from Tennessee [Mr. DUNCAN] for not only his leadership, but for making sure that this bill expeditiously gets to the floor.

Mr. Speaker, the purpose of this legislation is to provide authority to the Secretary of Transportation to waive a deed restriction on the parcel of land currently under the ownership of the city of Cleveland for aviation purposes. Since 1970, Congress has granted this authority to the Secretary; however, the parcel in question was deeded by the Federal Government to the city of Cleveland in 1967 and is currently restrained by a reverter clause.

This noncontroversial conveyance of the land from the city of Cleveland to the city of Brook Park is critical to the expansion plans for Cleveland Hopkins Airport. It is supported by the Federal Aviation Administration given its importance for public aviation purposes.

I have been honored to have the assistance of my colleague from Cleveland, OH [Mr. KUCINICH]. He represents this portion of the city of Cleveland, and I represent the city of Brook Park, and he cosponsored the House companion language to S. 1347. We also are thankful to our senior Senator from the State of the Ohio for moving this bill through the Senate. The bill enjoys bipartisan support from the leadership of the House Committee on Transportation and Infrastructure.

Mr. Speaker, Congress has a history of enacting specific provisions that allow the Secretary to waive reverters and other deed restrictions for deeds preceding 1970. I would appreciate the support of the House to support this technical correction for public aviation purposes.

Mr. LIPINSKI. Mr. Speaker, I yield such time as he may consume to the gentleman from Cleveland, OH [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, I first want to begin by thanking the gentleman from Tennessee [Mr. DUNCAN] for his leadership and for his help in moving this along. Certainly that could not have been done without his help and with the help of my good friend the gentleman from Ohio [Mr. LATOURETTE] with whom we share this project.

The gentleman from Ohio [Mr. LATOURETTE] has made sure that all the things that needed to be done to get this through the legislative process have been accomplished and really deserves a lot of credit for his assistance.

I also want to thank my good friend the gentleman from Illinois [Mr. LIPINSKI] for his efforts and for his willingness to be here to help us move this legislation. I appreciate his help in this, and it is gratefully appreciated, the guidance that he has given us as to how we could achieve this moment.

The gentleman from Illinois [Mr. LIPINSKI] and the gentleman from Ohio [Mr. LATOURETTE] both know the help that we got from Senator GLENN on this as well.

This particular bill will assist and improve airport transportation not only in the city of Cleveland, but throughout this country. It has the strong support of Cleveland's business community, which has worked for years to try to achieve this agreement between Brook Park and Cleveland, which can now be consummated through the approval of this legislation.

I appreciate the support, the bipartisan support, which brought us to this moment. I appreciate the support of the Congress on this bill.

Mr. LIPINSKI. Mr. Speaker, I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I, too, yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the Senate bill, S. 1347.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ANNOUNCEMENT OF LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. LATOURETTE. Mr. Speaker, I wish to announce the following suspensions for the 1-hour notice requirement: H.R. 2977, S. 1378, S. Con. Res. 61, S. Con. Res. 62, S. Con. Res. 63, H.R. 2979, H.R. 764, H.R. 2440, H.J. Res. 95, H.J. Res. 96, S. 1079 and H.R. 1604.

CLARIFICATIONS TO PILOT RECORDS IMPROVEMENT ACT OF 1996

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2626) to make clarifications to the Pilot Records Improvement Act

of 1996, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECORDS OF EMPLOYMENT OF PILOT APPLICATIONS.

Section 44936(f) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking "Before hiring an individual" and inserting "Subject to paragraph (14), before allowing an individual to begin service"; (2) in paragraph (1)(B) by inserting "as a pilot of a civil or public aircraft" before "at any time"; (3) in paragraph (4)—

(A) by inserting "and air carriers" after "Administrator"; and

(B) by striking "paragraph (1)(A)" and inserting "paragraphs (1)(A) and (1)(B)";

(4) in paragraph (5) by striking "this paragraph" and inserting "this subsection";

(5) in paragraph (10)—

(A) by inserting "who is or has been" before "employed"; and

(B) by inserting " , but not later than 30 days after the date" after "reasonable time"; and (6) by adding at the end the following:

"(14) SPECIAL RULES WITH RESPECT TO CERTAIN PILOTS.—

"(A) PILOTS OF CERTAIN SMALL AIRCRAFT.—Notwithstanding paragraph (1), an air carrier, before receiving information requested about an individual under paragraph (1), may allow the individual to begin service for a period not to exceed 90 days as a pilot of an aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less, or a helicopter, on a flight that is not a scheduled operation (as defined in such section). Before the end of the 90-day period, the air carrier shall obtain and evaluate such information. The contract between the carrier and the individual shall contain a term that provides that the continuation of the individual's employment, after the last day of the 90-day period, depends on a satisfactory evaluation.

"(B) GOOD FAITH EXCEPTION.—Notwithstanding paragraph (1), an air carrier, without obtaining information about an individual under paragraph (1)(B) from an air carrier or other person that no longer exists, may allow the individual to begin service as a pilot if the air carrier required to request the information has made a documented good faith attempt to obtain such information."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2626, as amended, was approved by the Subcommittee on Aviation on October 23 and by the full Committee on Transportation and Infrastructure on October 29. This bill was introduced on October 7 by myself; the chairman of the full Committee on Transportation and Infrastructure, the gentleman from Pennsylvania [Mr. SHUSTER]; the ranking member of the full committee, the gentleman from Minnesota [Mr. OBERSTAR]; and the ranking member of the Subcommittee on Aviation, the gentleman from Illi-

nois [Mr. LIPINSKI]. We also have many additional cosponsors representing all areas of the country.

Last year this subcommittee and the Congress passed legislation, H.R. 3536, requiring airlines to check a pilot's performance records before hiring them. In fact, the House approved the bill by a vote of 401 to 0. This legislation followed seven fatal accidents involving commuter airlines in which pilot error was to blame. The pilot had a record of poor performance at his previous employer, and the record of that poor performance was not checked before the airline hired him.

The Subcommittee on Aviation held 2 days of hearings on this subject in December 1995 before passing H.R. 3536 in July of last year. H.R. 3556 was eventually incorporated into the FAA Reauthorization Act, which the President signed in October of last year. This law currently requires airlines and the FAA to share a pilot's performance record with the prospective employer within 30 days of a request from that employer.

The problem is that the FAA is not meeting the 30-day deadline. This creates problems for many small aviation businesses that need to hire pilots quickly. In fact, I have heard from several of these small businesses from all across the Nation. As a result, H.R. 2626 was introduced with bipartisan support, as I have previously mentioned.

The bill would first allow all airlines to hire and train pilots, but not actually fly passengers while waiting to receive the pilot's records; and, secondly, allow small air taxis, those that one can charter, but that do not fly scheduled service, to hire and train and also to fly passengers for 90 days while waiting to receive the pilot's records.

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Finally, Mr. Speaker, H.R. 2626, as amended, would also require an airline to provide a pilot with his or her records as requested within 30 days. This was based on a recommendation from the Air Line Pilots Association and is consistent with other sections of the law.

H.R. 2626 is a good bill, a bipartisan bill, and enjoys support from all sectors of the aviation industry. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. LIPINSKI. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LIPINSKI asked and was given permission to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, I rise in support of H.R. 2626, a bill making clarifications to the Pilots Records Improvement Act. The act, which was passed last year, required airlines hiring pilots to obtain pertinent safety information from the Federal Aviation Administration, the National Drivers Registry, and former airline employers. Ensuring that potential employers had

access to this type of information enhanced safety and that airlines could make more informed hiring decisions.

The modifications contained in this bill clarify certain provisions in last year's legislation. In addition, it permits carriers to hire and train pilots prior to receiving records but would still require that they could not operate commercial flights until the records were received and reviewed. The House passed a version of this bill last year that contained this provision, but it was modified in conference.

Finally, it recognizes that air taxis are a unique segment of the aviation industry and one that has been disproportionately impacted by last year's legislation. Typically air taxis are small businesses. Although there is a legislative requirement that a requesting carrier be forwarded pertinent records within 30 days, we recognize that this is frequently not happening. Carriers sometimes wait for several months before receiving requested records.

This delay, while troubling, is not a significant problem for major carriers with a large pilot work force. However, when a single pilot represents 20 to 25 percent of the work force, the company's finances are severely affected. While I do not condone the failure of various entities to comply with the statutory requirement to provide pilot records within 30 days, I recognize that this failure threatens to put many air taxis out of business.

Consequently, this bill would allow air taxis to permit pilots to begin to fly commercial operations for up to 90 days while waiting for required records. I believe the provision's limited applicability does not undermine the intent of the original legislation.

I urge the FAA to enforce this existing requirement that records be provided within 30 days and take whatever enforcement action may be necessary to ensure that records are forwarded within this time frame.

Mr. Speaker, both last year's legislation on this matter and the bill before us today have broad bipartisan support. I commend the gentleman from Tennessee, [Mr. DUNCAN], for his leadership on this bill. The bipartisan manner in which he guides the subcommittee strongly enhances our ability to improve aviation safety. I also recognize the help and support of the chairman and ranking member of the committee, the gentleman from Pennsylvania [Chairman SHUSTER], and the gentleman from Minnesota, the ranking member [Mr. OBERSTAR]. I urge my colleagues to join me in supporting this important legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I would simply at this point like to thank the gentleman from Illinois [Mr. LIPINSKI] for the cooperation and the friendship and the bipartisan way in which he has conducted all of his activities and has represented his side on all aviation

matters. I have been told by several people that he and I have about the best relationship of any chairman and ranking Member in the Congress. I do not know whether that is true or not, but if it is not true, it is close anyway. I just wanted to say that for the record.

Mr. Speaker, I have no further speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee [Mr. DUNCAN] that the House suspend the rules and pass the bill, H.R. 2626, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2626, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ANNOUNCEMENT OF BILL TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. DUNCAN. Mr. Speaker, I would like at this time to announce the following additional suspension: H.R. 765.

FOREIGN AIRLINES FAMILY ASSISTANCE ACT

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2476) to amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers, as amended.

The Clerk read as follows:

H.R. 2476

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN FOREIGN AIR CARRIER ACCIDENTS.

(a) IN GENERAL.—Chapter 413 of title 49, United States Code, is amended by adding at the end the following:

"§ 41313. Plans to address needs of families of passengers involved in foreign air carrier accidents

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) AIRCRAFT ACCIDENT.—The term 'aircraft accident' means any aviation disaster, regardless of its cause or suspected cause, that occurs within the United States; and

"(2) PASSENGER.—The term 'passenger' includes an employee of a foreign air carrier or air carrier aboard an aircraft.

"(b) SUBMISSION OF PLANS.—A foreign air carrier providing foreign air transportation under this chapter shall transmit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in a significant loss of life.

"(c) CONTENTS OF PLANS.—To the extent permitted by foreign law which was in effect on the date of the enactment of this section, a plan submitted by a foreign air carrier under subsection (b) shall include the following:

"(1) TELEPHONE NUMBER.—A plan for publicizing a reliable, toll-free telephone number and staff to take calls to such number from families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in a significant loss of life.

"(2) NOTIFICATION OF FAMILIES.—A process for notifying, in person to the extent practicable, the families of passengers involved in an aircraft accident that involves an aircraft under the control of the foreign air carrier and results in a significant loss of life before providing any public notice of the names of such passengers. Such notice shall be provided by using the services of—

"(A) the organization designated for the accident under section 1136(a)(2); or

"(B) other suitably trained individuals.

"(3) NOTICE PROVIDED AS SOON AS POSSIBLE.—An assurance that the notice required by paragraph (2) shall be provided as soon as practicable after the foreign air carrier has verified the identity of a passenger on the foreign aircraft, whether or not the names of all the passengers have been verified.

"(4) LIST OF PASSENGERS.—An assurance that the foreign air carrier shall provide, immediately upon request, and update a list (based on the best available information at the time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), to—

"(A) the director of family support services designated for the accident under section 1136(a)(1); and

"(B) the organization designated for the accident under section 1136(a)(2).

"(5) CONSULTATION REGARDING DISPOSITION OF REMAINS AND EFFECTS.—An assurance that the family of each passenger will be consulted about the disposition of any remains and personal effects of the passenger that are within the control of the foreign air carrier.

"(6) RETURN OF POSSESSIONS.—An assurance that, if requested by the family of a passenger, any possession (regardless of its condition) of that passenger that is within the control of the foreign air carrier will be returned to the family unless the possession is needed for the accident investigation or a criminal investigation.

"(7) UNCLAIMED POSSESSIONS RETAINED.—An assurance that any unclaimed possession of a passenger within the control of the foreign air carrier will be retained by the foreign air carrier for not less than 18 months after the date of the accident.

"(8) MONUMENTS.—An assurance that the family of each passenger will be consulted about construction by the foreign air carrier of any monument to the passengers built in the United States, including any inscription on the monument.

"(9) EQUAL TREATMENT OF PASSENGERS.—An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(10) SERVICE AND ASSISTANCE TO FAMILIES OF PASSENGERS.—An assurance that the for-

eign air carrier will work with any organization designated under section 1136(a)(2) on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following an accident.

"(11) COMPENSATION TO SERVICE ORGANIZATIONS.—An assurance that the foreign air carrier will provide reasonable compensation to any organization designated under section 1136(a)(2) for services and assistance provided by the organization.

"(12) TRAVEL AND CARE EXPENSES.—An assurance that the foreign air carrier will assist the family of any passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

"(13) RESOURCES FOR PLAN.—An assurance that the foreign air carrier will commit sufficient resources to carry out the plan.

"(14) SUBSTITUTE MEASURES.—If a foreign air carrier does not wish to comply with paragraphs (10), (11), or (12), a description of proposed adequate substitute measures for the requirements of each paragraph with which the foreign air carrier does not wish to comply.

"(d) PERMIT AND EXEMPTION REQUIREMENTS.—The Secretary shall not approve an application for a permit under section 41302 unless the applicant has included as part of the application or request for exemption a plan that meets the requirements of subsection (c).

"(e) LIMITATION ON LIABILITY.—A foreign air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the foreign air carrier in preparing or providing a passenger list pursuant to a plan submitted by the foreign air carrier under subsection (c), unless the liability was caused by conduct of the foreign air carrier which was grossly caused by conduct of the foreign air carrier which was grossly negligent or which constituted intentional misconduct."

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:

"41313. Plans to address needs of families of passengers involved in foreign air carrier accidents."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 180th day following the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Illinois [Mr. LIPINSKI] each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Subcommittee on Aviation unanimously approved H.R. 2476, as amended, on Thursday, October 23, and the full Committee on Transportation and Infrastructure approved the bill on October 29. This legislation was introduced by the gentleman from Guam [Mr. UNDERWOOD] shortly after the terrible Air Korea disaster which recently occurred on Guam. Both the gentleman from Illinois [Mr. LIPINSKI], the ranking member of the subcommittee, and I, are original cosponsors of the bill.

It essentially mirrors legislation in the Aviation Disaster Family Assistance Act, H.R. 3823, which the Subcommittee on Aviation unanimously approved and the House overwhelmingly supported by a vote of 401 to 4